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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTERNATIONAL CHURCH OF THE
FOURSQUARE GOSPEL

Plaintiff,

v.

CITY OF SAN LEANDRO, TONY SANTOS
(in his official capacity), SURLENE G.
GRANT (in her official capacity), DIANA M.
SOUZA (in her official capacity), JOYCE R.
STAROSCIAK (in her official capacity), BILL
STEPHENS (in his official capacity), JIM
PROLA (in his official capacity), JOHN
JERMANIS (in his official and individual
capacities), DEBBIE POLLART (in her official
and individual capacities), DOES 1-50.

Defendants.

Case No. C 07-03605 PJH

**DEFENDANTS' ERRATUM TO
MEMORANDUM OF POINTS AND
AUTHORITIES IN OPPOSITION TO
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Date: September 5, 2007

Time: 9:00 a.m.

Crtrm: 3

Complaint Filed: 7/12/07

Hon. Phyllis J. Hamilton

1 In response to the contentions in Plaintiff's reply brief at page 13:14-18 and fn. 2, Defendants
 2 respectfully request that their citation to "*Murphy v. Zoning Comm'n of the Town of New Milford*,
 3 289 F.Supp.2d 87, 108-109 (D.Conn. 2003)," at p. 15:13-15 of their brief in opposition, be amended
 4 to "*Murphy v. Zoning Comm'n of the Town of New Milford*, 289 F.Supp.2d 87, 108-109 (D.Conn
 5 2003), *rev'd on other grounds*, 402 F.3d 342 (2d.Cir 2005)." As Plaintiff correctly notes, that
 6 decision, granting a permanent injunction to prevent a town from enforcing a cease and desist order
 7 against a church for violation of zoning regulations, was overruled on ripeness grounds in *Murphy v.*
 8 *New Milford Zoning Comm.*, 402 F.3d 342 (2d.Cir. 2005) (vacating injunction). The citation as
 9 amended is consistent in style with Plaintiff's citation of *Elsinore Christian Ctr. v. City of Lake*
 10 *Elsinore*, 291 F.Supp.2d 1083 (C.D. Cal. 2003). Pl. Opening Br., p.7:3-6.

11 In addition, Defendants refer the Court to an earlier decision in the same dispute, *Murphy v.*
 12 *Zoning Comm'n of the Town of New Milford*, 148 F.Supp.2d 173, 190 (D.Conn. 2001), which also
 13 found the town's interest in enforcement of its zoning regulations to be compelling.

14 Finally, Defendants respectfully submit that *Petra Presbyterian Church v. Village of*
 15 *Northbrook*, 2003 WL 22048089 (N.D. Ill. 2003) and *San Jose Christian College v. City of Morgan*
 16 *Hill*, 2001 WL 1862224 (C.D. Cal. 2001), are citable cases, as neither is designated "NOT FOR
 17 CITATION." See Civil L.R. 7-4(e). Both those cases were cited to and discussed by the Eastern
 18 District in its *Guru Nanak Sikh Society* decision. *Guru Nanak Sikh Society of Yuba City v. County of*
 19 *Sutter*, 326 F.Supp.2d 1140, 1149, 1155 (E.D. Cal. 2003).

20 Dated: August 29, 2007

Respectfully submitted,

MEYERS, NAVE, RIBACK, SILVER & WILSON

By _____/s/_____

Peter S. Hayes

Attorneys for Defendants

CITY OF SAN LEANDRO, TONY SANTOS,

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